

**Boone County Dept. of  
Public Advocacy**

# Memo

**To:** Honorable Judge Richard A. Brueggeman  
**From:** Hon. Anthony Putman  
**cc:** Boone County Jailer, Jason Maydak  
**Date:** August 5, 2020  
**Re:** Boone County Jail Attorney/Client visit issues during COVID-19

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**In regards to the request by the Court, counsel with clientele being housed in the Boone County Jail have conferenced and compiled a list of concerning issues regarding attorney/client visitation:**

**1. Confidentiality**

- a. Constitutional and statutory compliance with in person confidential visits as outlined in 501 KAR 3:140, Prisoners' Rights. With the understanding of the Court's temporary solution of transporting Defendants to the Courthouse;
- b. We request the Boone County Jail put a plan in place for attorneys to request private visits inside the jail, with telephonic access, and electrical outlets when such a visit is needed.
- c. When a confidential iwebvisit is requested that no jail staff or other inmates are anywhere near, which means an iwebvisit in a housing unit with other inmates does not meet the criteria.

**2. Visitation Room Glass**

- a. It is not confidential when other people are present during an attorney/client visit including, other attorneys, staff, professionals, and inmates being housed in the visitation area.

- b. The Jailer expressed concerns over the spread of virus, but there are cleanliness issues in the visitation area and some attorneys will not use this method of visitation because of that.
- c. Wait times during this type of visitation are significant, with attorneys spending hours sometimes to see a couple of clients. These lengthy waits expose attorneys to extended periods of risk.

**3. Iwebvisit, Notice, and Scheduling**

- a. The current system of requiring 24 hour notice when scheduling an iwebvisit is a problem. First, its purpose to have inmates ready is not working because the vast majority of the time our clients are not present and ready which causes a support call to iwebvisit, and a visit backlog. If the inmates are not present during the visit time then we have to go back and reschedule another 24 hours in advance. Second, no other jail using this system in our region has this requirement.
- b. Iwebvisit scheduling between 4:00-9:00pm is not reasonable, it is outside of normal business hours, and again not required in any other jail in our region. Since these visits are currently in the evenings it is a problem getting authorization to change a visit when issues arise. There are also not enough slots, visits are fully booked almost daily.
- c. We request a room be designated for this purpose and be available days, evenings, and weekends. Our participation in using iwebvisit is to help all parties during the COVID-19 crisis, even though it does not meet the standard the law requires and we cannot review discovery through this means, it should not be difficult for us to use otherwise we have to use other means which places a greater burden on the jail and its staff.
- d. Many times we need to speak with a client regarding something small, or non-confidential in these cases we request a process to allow the visit to be moved to the housing pod. In the alternative, some jails in our region allow us to call the jail on the telephone and speak to our clients or they get the inmate and have them call us right back, if this were an option we would could use this method of communication frequently.

**4. Discovery/Law Library**

- a. Some discovery/evidence in our clients' cases require that we can only view and discuss it privately. However;
- b. We also copy discovery disks that our clients can view independently, we make a copy and have it placed in their property.
- c. We have been informed the process is to get the Sergeant on duty to schedule an appointment, but have been informed by many of our clients they cannot even get the Sergeant to see them regarding the request. Many have informed us they have requested, but have not yet been granted access to the law library to view their discovery.
- d. Some clients report technical issues with the PC in the law library.

We look forward to working with the Court, and Boone County Jail in fixing these issues so we are compliant with the law, and able to meet our duties of ethical representation.